

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RENESAS TECHNOLOGY CORP.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.
and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

C.A. No. 07-53-JJF

**DEFENDANTS SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG
ELECTRONICS AMERICA, INC. BRIEF IN SUPPORT OF ITS UNOPPOSED
MOTION TO STAY**

Dated: March 21, 2007

FISH & RICHARDSON P.C.
Timothy Devlin (#4241)
919 N. Market Street, Suite 1100
P.O. Box 1114
Wilmington, DE 19899-1114
Telephone: (302) 652-5070
Facsimile: (302) 652-0607
tdevlin@fr.com

Michael J. McKeon
Richard A. Sterba
Brian R. Nester (#3581)
Fish & Richardson P.C.
1425 K Street, N.W., 11th Floor
Washington, DC 20005-2500
(202) 783-5070

Attorneys for Defendants
SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.

TABLE OF CONTENTS

	<u>Page</u>
I. NATURE AND STAGE OF THE PROCEEDINGS	1
II. DISCUSSION	1
III. CONCLUSION	2

TABLE OF AUTHORITIES

	<u>Page(s)</u>
STATUTES	
Federal Rule of Civil Procedure 4(d)(2)	1
28 U.S.C. § 1659(a)	1

I. NATURE AND STAGE OF THE PROCEEDINGS

On January 26, 2007, Plaintiff Renesas Technology Corp. (“Renesas”) sued Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”) in an International Trade Commission (“ITC”) investigation (Inv. No. 337-TA-595) (the “ITC action”). On the same day, Reneses filed this parallel action in this Court. The two cases involve the same two asserted patents. (Renesas filed a separate Delaware action, Civil No. 07-54-JJF, not relevant here.) Samsung agreed to waive service under Federal Rule of Civil Procedure 4(d)(2), and its Answer in this action is due on May 10, 2007. (D.I. 10.)

II. DISCUSSION

This action is subject to an automatic stay, and should be stayed until the determination of the parallel ITC action becomes final. The ITC action and this case involve the same two patents. (*See* D.I. 1; Ex. A attached hereto.) Accordingly, all issues related to these two patents are subject to an automatic stay under 28 U.S.C. § 1659(a):

In a civil action involving parties that are also parties to a proceeding before the United States International Trade Commission . . . at the request of a party that is also a respondent in the proceeding before the Commission, the district court shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involves the same issues involved in the proceeding before the Commission


Section 1659(a) is mandatory and a stay is automatic. This Motion is unopposed, and Samsung respectfully requests that the Court grant the Motion.

III. CONCLUSION

For the reasons set forth above, the Court should grant Defendants' Unopposed Motion to Stay.

Dated: March 21, 2007

FISH & RICHARDSON P.C.

By: 

Timothy Devlin (#4241)
919 N. Market Street, Suite 1100
P.O. Box 1114
Wilmington, DE 19899-1114
Telephone: (302) 652-5070
Facsimile: (302) 652-0607

Michael J. McKeon
Richard A. Sterba
Brian R. Nester (#3581)
Fish & Richardson P.C.
1425 K Street, N.W., 11th Floor
Washington, DC 20005-2500
(202) 783-5070

*Attorneys for Defendants
Samsung Electronics Co., Ltd. And
Samsung Electronics America, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2007, I electronically filed the above document with the Clerk of Court using CM/ECF which will send electronic notification of such filing(s) to the following Delaware counsel. In addition, the filing will also be sent via hand delivery:

Andre G. Bouchard
John M. Seaman
BOUCHARD MARGULES &
FRIEDLANDER, P.A.
222 Delaware Ave., Suite 1400
Wilmington, DE 19801

I hereby certify that on March 21, 2007, I have mailed by Federal Express, the document(s) to the following non-registered participants:

Christopher E. Chalsen
Michael M. Murray
James R. Klaiber
MILBANK, TWEED, HADLEY & MCCLOY, LLP
1 Chase Manhattan Plaza
New York, NY 10005



Timothy Devlin

A

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C. 20436

In the matter of
CERTAIN DYNAMIC RANDOM ACCESS
MEMORY DEVICES AND PRODUCTS
CONTAINING SAME

Investigation
No. 337-TA-_____

COMPLAINT UNDER SECTION 337 OF
THE TARIFF ACT OF 1930, AS AMENDED

Complainant:

Renesas Technology Corp.
Marunouchi Building
4-1, Marunouchi 2-chome
Chiyoda-ku, Tokyo 100-6334
Japan

Respondents:

Samsung Electronics Co., Ltd.
Samsung Main Building
250, Taepyeongno 2-ga
Jung-ga
Seoul 100-742, Korea
Telephone: 82-2-751-7747

Samsung Electronics America, Inc.
105 Challenger Road
Ridgefield Park, New Jersey
Telephone: (201) 229-4000

Counsel for Complainant:

Christopher E. Chalsen
Michael M. Murray
James R. Klaiber
Chris L. Holm
Christopher J. Gaspar
Frank A. Bruno
Milbank, Tweed, Hadley & McCloy, LLP
One Chase Manhattan Plaza
New York, NY 10005
Telephone: (212) 530-5000

William E. Wallace
Jay Alexander
Milbank, Tweed, Hadley & McCloy, LLP
International Square Building
1850 K Street, NW, Suite 1100
Washington, D.C. 20006
Telephone: (202) 835-7500

I. INTRODUCTION

1. Renesas Technology Corp. (“Renesas,” or “Complainant”), files this Complaint pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), based on the unlawful importation into the United States, the sale for importation and/or the sale within the United States after importation of certain dynamic random access memory (“DRAM”) devices, such as synchronous DRAM (“SDRAM”), as well as products containing the same.

2. The proposed Respondents, Samsung Electronics Co. Ltd. (“SEC”) and Samsung Electronics America, Inc. (“SEA”) (collectively, “Samsung” or “Respondents”) have engaged in unfair acts in violation of Section 337 through the unlicensed importation, sale for importation and/or sale after importation of: (1) DRAM devices that are manufactured by a process covered by one or more claims of Renesas’s U.S. Patent No. 7,115,344 (“the ‘344 patent”) and (2) SDRAM devices that are covered by one or more claims of U.S. Patent No. 7,116,128 (“the ‘128 patent”). The ‘344 patent and the ‘128 patent are collectively referred to herein as the “Renesas Patents.”

3. A certified copy of the ‘344 patent accompanies this Complaint as Exhibit 1. Renesas owns by assignment the entire right, title and interest in and to the ‘344 patent.

4. A certified copy of the ‘128 patent accompanies this Complaint as Exhibit 2. Renesas owns by assignment the entire right, title and interest in and to the ‘128 patent.

5. By way of this Complaint, Renesas seeks as permanent relief an order excluding from entry into the United States all DRAM devices that are imported into the United States, sold for importation, and/or sold within the United States after importation by or on behalf of Respondents and which were made by a process that infringes one or more of the claims of the

A

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C. 20436

In the matter of
CERTAIN DYNAMIC RANDOM ACCESS
MEMORY DEVICES AND PRODUCTS
CONTAINING SAME

Investigation
No. 337-TA-_____

COMPLAINT UNDER SECTION 337 OF
THE TARIFF ACT OF 1930, AS AMENDED

Complainant:

Renesas Technology Corp.
Marunouchi Building
4-1, Marunouchi 2-chome
Chiyoda-ku, Tokyo 100-6334
Japan

Respondents:

Samsung Electronics Co., Ltd.
Samsung Main Building
250, Taepyeongno 2-ga
Jung-ga
Seoul 100-742, Korea
Telephone: 82-2-751-7747

Samsung Electronics America, Inc.
105 Challenger Road
Ridgefield Park, New Jersey
Telephone: (201) 229-4000

Counsel for Complainant:

Christopher E. Chalsen
Michael M. Murray
James R. Klaiber
Chris L. Holm
Christopher J. Gaspar
Frank A. Bruno
Milbank, Tweed, Hadley & McCloy, LLP
One Chase Manhattan Plaza
New York, NY 10005
Telephone: (212) 530-5000

William E. Wallace
Jay Alexander
Milbank, Tweed, Hadley & McCloy, LLP
International Square Building
1850 K Street, NW, Suite 1100
Washington, D.C. 20006
Telephone: (202) 835-7500

I. INTRODUCTION

1. Renesas Technology Corp. ("**Renesas**," or "**Complainant**") files **this** Complaint pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("**Section 337**"), based on the unlawful importation into the United States, the sale for importation and/or the sale within the United States after importation of certain dynamic random access memory ("**DRAM**") devices, such as synchronous DRAM ("**SDRAM**"), as well as products containing the same.

2. The proposed Respondents, Samsung Electronics Co. Ltd. ("**SEC**") and Samsung Electronics America, Inc. ("**SEA**") (collectively, "**Samsung**" or "**Respondents**") have engaged in unfair acts in violation of Section 337 through the unlicensed importation, sale for importation and/or sale after importation of: (1) DRAM devices that are manufactured by a process covered by one or more claims of Renesas's U.S. Patent No. 7,115,344 ("**the '344 patent**") and (2) SDRAM devices that are covered by one or more claims of U.S. Patent No. 7,116,128 ("**the '128 patent**"). The '**344 patent** and the '**128 patent** are collectively referred to herein as the "**Renesas Patents**."

3. A certified copy of the '**344 patent** accompanies this Complaint as Exhibit 1. Renesas owns by assignment the entire right, title and interest in and to the '**344 patent**.

4. A certified copy of the '**128 patent** accompanies this Complaint as Exhibit 2. Renesas owns by assignment the entire right, title and interest in and to the '**128 patent**.

5. By way of this Complaint, Renesas seeks as permanent relief an order excluding from entry into the United States all DRAM devices that are imported into the United States, sold for importation, and/or sold within the United States after importation by or on behalf of Respondents and which were made by a process that infringes one or more of the claims of the